



DEPARTMENT OF DEFENSE
DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD
POST OFFICE BOX 3656
ARLINGTON, VIRGINIA 22203
(703) 696-4759

Date: February 3, 2022

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In the matter of:)	
)	
-----)	ISCR Case No. 20-00058
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On May 18, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On July 16, 2021, Applicant receipted for his copy of the Government’s File of Relevant Material (FORM), but subsequently failed to submit any matters in response. On October 26, 2021, after considering the record, Administrative Judge Gregg A. Cervi denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had approximately \$23,300 in delinquent debt across 12 accounts. In responding to the SOR, Applicant admitted all but two debts, each for \$499. He submitted no supporting documentation with his response to the SOR. The Judge found for

Applicant on one of the two debts, determining it was either a duplicate or paid off, and against Applicant on the remaining 11 debts.

On appeal, Applicant makes only one assertion of harmful error—that “the evidence (he) presented wasn’t gone over thoroughly” Appeal Brief at 1. The record confirms, however, that Applicant failed to submit any evidence until he filed his Notice of Appeal, at which time he submitted proof of payments on alleged accounts. The Appeal Board is prohibited from considering new evidence on appeal. Directive E3.1.29.

The Judge examined the relevant evidence and articulated a satisfactory explanation for his decision. The decision is sustainable on this record. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also* Directive, Encl. 2, App. A ¶ 2(b): “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

Signed: Moira Modzelewski
Moira Modzelewski
Administrative Judge
Member, Appeal Board